

R E M A R K S

Claims 1-4 are pending and under consideration. Claims 2-4 are withdrawn from consideration as being directed to non-elected inventions. In the Office Action of March 22, 2004, the Examiner rejected claim 1 under 35 U.S.C. §102(e) as being allegedly anticipated by Applicant's disclosure of background information at Fig. 40 and pages 1-8 of Applicant's specification ("Background Art"). Applicant respectfully traverses the rejection and addresses the Examiner's disposition below.

Referring to Applicant's Figure 33 as an illustrative example, claim 1, as amended, claims that one of the tunnel magnetoresistance device's 30 ferromagnetic layers includes an anti-ferromagnetic layer 32 and a pinned magnetic layer 33. An end face of an extending portion of the anti-ferromagnetic layer 32 but not the pinned magnetic layer 33 is in contact with the second connecting hole 50.

This is clearly unlike the Background Art shown in Figure 40, which fails to disclose an end face of an extending portion of a anti-ferromagnetic layer, but not a pinned magnetic layer, that is in contact with a second connecting hole. Referring to Figure 40, the Background Art discloses a ferromagnetic layer that includes an anti-ferromagnetic layer 132 and a pinned magnetic layer 133. End faces of both the anti-ferromagnetic layer 132 and the pinned magnetic layer 133 are in contact with a second connecting hole 127.

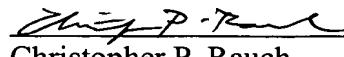
Therefore, for at least this reason, the Background Art fails to anticipate claim 1.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

It is submitted that claim 1 is patentable and that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

 (Reg. No. 45,034)
Christopher P. Rauch
SONNENSCHEIN NATH & ROSENTHAL LLP
P. O. Box 061080
Wacker Drive Station - Sears Tower
Chicago, Illinois 60606-1080
Telephone (312) 876 8000
Customer No. 26263